

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

WILLIE JAMES LOWE, JR., )  
                               )  
Plaintiff,                 )  
                               )  
vs.                         )                              Case No. 4:23-cv-798-MTS  
                               )  
JENNIFER PECORELLA, *et al.*, )  
                               )  
Defendants.                 )

**MEMORANDUM AND ORDER**

This matter is before the Court on Defendants Lynn Lyons and Daniel Macke's Motion to Consolidate Case No. 4:23-cv-799-MTS (*Lowe v. Sturdevant, et al.*) with this action. Doc. [16]. Specifically, Defendants seek consolidation based on common questions of fact and law in the related actions.

Pursuant to Federal Rule of Civil Procedure 42(a), “[i]f actions before the court involve a common question of law or fact, the court may: . . . (2) consolidate the actions; or (3) issue any orders to avoid unnecessary cost or delay.” Fed. R. Civ. P. 42(a). “Whether to consolidate actions under Rule 42(a) is vested in the court’s discretion,’ and ‘the district court can consolidate actions *sua sponte.*’”<sup>1</sup> *Express Scripts, Inc. v. United States*, 4:21-cv-740-HEA, 2023 WL 2525647, at \*1 (E.D. Mo. Mar. 15, 2023) (quoting *Bendzak v. Midland Nat. Life Ins. Co.*, 240 F.R.D. 449, 450 (S.D. Iowa 2007)).

Here, the Court finds consolidation of Plaintiff's two cases is warranted. The cases involve the same or similar parties, causes of action, and allegations pertaining to the supervision of Plaintiff as a federal offender. Given that these actions involve common facts and common

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<sup>1</sup> As of July 11, 2023, Plaintiff's deadline to file a response to the Motion to Consolidate has passed. See E.D. Mo. Local Rule 4.01(B)-(C); Doc. [18] (reminding Plaintiff he had time to respond to the Motion).

questions of law, consolidation is warranted to avoid unnecessary costs and to promote judicial efficiency. Pursuant to Local Rule 4.03, the Court shall consolidate the cases into the lowest case number. E.D. Mo. L.R. 4.03 (“A party desiring the consolidation of related cases shall file a motion in the case bearing the lowest cause number.”).

Accordingly,

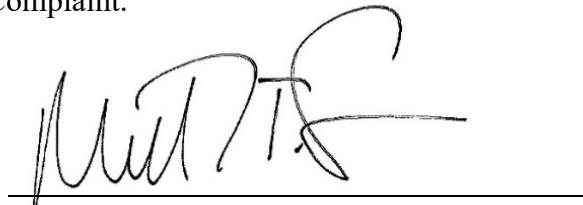
**IT IS HEREBY ORDERED** that Defendants’ Motion to Consolidate, Doc. [16], is **GRANTED**. Case No. 4:23-cv-799-MTS (*Lowe v. Sturdevant, et al.*) shall be consolidated into Case No. 4:23-cv-798-MTS (*Lowe v. Pecorella, et al.*), the lowest case number.

**IT IS FURTHER ORDERED** that the Clerk of Court shall docket and file a copy of this Order in each of the above consolidated cases.

**IT IS FURTHER ORDERED** that the Clerk of Court shall administratively close Case No. 4:23-cv-799-MTS, and all future filings concerning either case shall be filed only in Case No. 4:23-cv-798-MTS.

**IT IS FINALLY ORDERED** that Plaintiff shall file a First Amended Complaint **by** September 5, 2023. The Clerk of Court is directed to mail Plaintiff a blank Civil Complaint form so that Plaintiff can file his First Amended Complaint.

Dated this 25th day of July 2023



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MATTHEW T. SCHELP  
UNITED STATES DISTRICT JUDGE